

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARKY'S MARTIAL ARTS, INC.,

Plaintiff,

-against-

FC ONLINE MARKETING, INC.

Defendant.  
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1:19-cv-03363 (ALC)

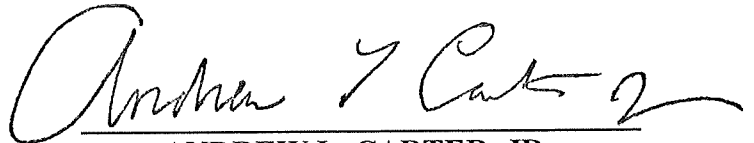
ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Plaintiff's letter dated October 29, 2019, concerning venue. ECF No. 17. Having considered Plaintiff's letter and its arguments at the Order to Show Cause Hearing held on October 22, 2019, the Court finds that the Defendant has waived the defense of improper venue by virtue of its default. *See Hoffman v. Blaski*, 363 U.S. 335, 343 (1960) ("a defendant, properly served with process by a court having subject matter jurisdiction, waives venue by failing seasonably to assert it, or even simply by making default."); *see also LG Capital Funding, LLC v. Wowio, Inc.*, No. 16-CV-6632, 2018 WL 3202077, at \*7 (E.D.N.Y. Apr. 24, 2018), *report and recommendation adopted*, No. 16CV06632AMDRLM, 2018 WL 2224991 (E.D.N.Y. May 15, 2018) ("With regard to the Defendants' challenge to venue in this District, the Court finds that they have waived that defense by their default."); *MD Produce Corp. v. 231 Food Corp.*, 304 F.R.D. 107, 108 (E.D.N.Y. 2014) (collecting cases).

SO ORDERED.

Dated: December 4, 2019  
New York, New York



ANDREW L. CARTER, JR.  
United States District Judge